

shall be subject to independent verification by RUS.

(b) The Environmental Analysis will normally provide a basis for preparation of RUS's EA or EIS and may be made an appendix to the RUS document. After RUS has reviewed and found an Environmental Analysis to be satisfactory, the Borrower will be required to provide RUS with a sufficient number of copies of the Environmental Analysis to satisfy RUS's distribution plan.

(c) The Environmental Analysis shall include a summary of the construction and operation monitoring and mitigation measures for the proposed project. This summary shall appear in the draft and final EIS. These measures may be revised as appropriate in response to comments on the draft and final EIS and other information. These measures also shall be incorporated by summary or reference into RUS's Record of Decision.

§ 1794.54 EIS.

(a) After a draft or final EIS has been prepared, RUS and the Borrower shall issue a notice of availability for the document. The notice shall:

(1) Provide a brief description of the nature and location of the preferred and reasonable alternatives;

(2) State the availability of a draft or final EIS for public review;

(3) State how copies of the EIS can be obtained and where copies are available for public review which shall include the Borrower's headquarters, RUS offices in Washington, DC, selected libraries in the area of the preferred and reasonable alternatives and such other reasonable places as RUS shall select;

(4) Provide the name and address of the person to whom questions and comments should be sent;

(5) Set forth the time period for review and comment. This time period normally shall be forty-five (45) days for a draft EIS and thirty (30) days for a final EIS, measured from the date that the U.S. Environmental Protection Agency's notice or the Borrower's notices are first published, whichever is later.

RUS and the Borrower notices for the final EIS shall also request persons, organizations or governmental bodies which wish to be notified when the Record of Decision is available to inform RUS of such interest.

(b) In addition to circulation required by 40 CFR 1502.19, draft and final EIS's (or summaries thereof, at RUS's discretion) shall be circulated to the appropriate state, regional, and metropolitan clearinghouses.

(c) Where a final EIS does not require that substantial changes be made in the draft EIS, RUS may document required changes through errata sheets, insertion pages and revised sections to be incorporated into the draft EIS. In such cases, RUS will circulate such changes together with comments on the draft EIS, responses to comments, and other appropriate information, as its final EIS. RUS will not circulate the draft EIS again, although the draft EIS will be provided if requested within thirty (30) days of publication of notice of availability of the final EIS.

(d) In individual situations, upon mutual agreement between RUS and the Borrower, the EIS may be prepared by an independent contractor. If RUS acts as lead agency, the contractor will be chosen by RUS. Under this procedure, the Borrower normally will not be required to submit an Environmental Analysis.

[49 FR 9550, Mar. 13, 1984; 49 FR 10083, Mar. 19, 1984]

§ 1794.55 Timing of agency action.

(a) Where an RUS action requires an EIS, RUS shall prepare a Record of Decision. The Record of Decision will not be prepared, and RUS will not take any action or execute commitments before expiration of the thirty (30) day period starting with either EPA's notice in the FEDERAL REGISTER that the final EIS is available or the Borrower's notices of availability, whichever is later.

(b) For budgetary purposes some financing assistance may be approved conditionally with a stipulation that no funds will be advanced until a Record of Decision has been prepared.

Subpart G—Procedure for Environmental Assessment Proposals Without Scoping

§ 1794.60 General.

The following procedure applies to all actions classified as Environmental Assessment projects in § 1794.33 hereof. Where appropriate to carry out the purposes of NEPA, RUS may require, on a case by case basis, that additional action be taken in connection with preparation of an EA. If at any point in the preparation of an EA, RUS determines that the action will have a significant impact on the environment, the preparation of an EIS will be required and the procedures applicable thereto will be followed.

§ 1794.61 Document requirements.

For those proposals covered by § 1794.33, the Borrower shall submit a BER or its equivalent. The BER may serve as RUS's EA if RUS makes an independent evaluation of the environmental issues and concurs in the BER's scope and content. The BER also may be made an Appendix to RUS's EA to provide information on the proposal and reduce unnecessary paperwork.

§ 1794.62 Notice of availability.

The Borrower shall publish a public notice of availability of the BER.

(a) The Borrower's notice shall:

(1) Provide a brief description of the nature and location of its recommended and reasonable alternatives;

(2) State the availability of the BER for public review;

(3) State how copies of the BER can be obtained and where copies are available for public review, which shall include the Borrower's headquarters, RUS offices in Washington, DC, and other locations as determined by RUS;

(4) Provide the name and address of the person to whom questions and comments should be sent;

(5) Set forth a thirty (30) day time period for review and comment.

(b) The Borrower's notice shall be published after RUS has determined that the BER provides a satisfactory basis for public comment.

[49 FR 9550, Mar. 13, 1984; 49 FR 10083, Mar. 19, 1984]

§ 1794.63 FONSI and notice requirements.

(a) If RUS, after reviewing the EA, finds that the proposal will not have a significant effect on the human environment, RUS shall prepare a FONSI. After the FONSI has been made, RUS shall publish a notice of availability of the EA and FONSI. The Borrower shall have published, in a timely manner, a similar notice.

(b) Both the RUS and Borrower's notice shall:

(1) Provide a brief description of the nature and location of the preferred and reasonable alternatives;

(2) State that an EA and FONSI have been prepared;

(3) State how copies of the EA and FONSI can be obtained, and where copies are available for public review which shall include the Borrower's headquarters, RUS offices in Washington, and other locations as determined by RUS;

(4) Provide the name and address of the person to whom questions and comments should be sent.

(c) RUS shall not permit construction or other activities which would have an environmental effect until it has received, reviewed and accepted an adequate BER and the public notice requirements in paragraphs (a) and (b) of this section have been met.

§ 1794.64 Timing of agency action.

RUS may take its final action on proposals requiring an EA without scoping (§ 1794.33) at any time after publication of the RUS and Borrower notices that a FONSI has been made.

Subpart H—Procedure for Environmental Assessment Proposals With Scoping

§ 1794.70 General.

For those proposals covered by § 1794.34, RUS and the Borrower shall follow the procedures for scoping and the requirements for notices and documents set forth in §§ 1794.50 through 1794.53 of Subpart F, "Procedure for Proposals Normally Requiring an EIS."